

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL AUDE, Individually and on Behalf of All
Others Similarly Situated

Plaintiff,

vs.

KOBE STEEL, LTD., HIROYA KAWASAKI,
YOSHINORI ONOE, AKIRA KANEKO, and
NAOTO UMEHARA

Defendants.

CASE NO.: 1:17-cv-10085-VSB

[PROPOSED] ORDER APPROVING PLAN OF ALLOCATION

This matter came on for hearing on February 21, 2019 (the “Settlement Hearing”) on Lead Plaintiff’s motion for final approval of the Stipulation and Agreement of Settlement dated September 21, 2018 achieved in the above-captioned class action (the “Settlement”), including approval of the plan of allocation of the Net Settlement Fund (“Plan of Allocation”) created by the Settlement. The Court having considered all matters submitted to it at the Settlement Hearing and otherwise; and it appearing that notice of the Settlement Hearing substantially in the form approved by the Court was mailed to all Settlement Class Members who could be identified with reasonable effort and was otherwise made available on the www.kobesteelsecuritieslitigation.com website (along with other relevant Settlement-related documents published thereon, including the Stipulation), that a summary notice of the hearing substantially in the form approved by the Court was published electronically on *PR Newswire* pursuant to the specifications of the Court, and that all other elements of the notice program

approved by the Court were complied with in accordance with the Court's Order preliminarily approving the settlement and providing notice, dated November 27, 2018 ("Preliminary Approval Order"); and the Court having considered the fairness and reasonableness of the proposed Plan of Allocation as set forth in the Notice of Proposed Class Action Settlement previously submitted to the Court (ECF No. 25-4) (the "Notice") and disseminated to Settlement Class Members in accordance with the notice program approved by the Court;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
THAT:

1. All capitalized terms used herein have the same meanings as set forth and defined in the Stipulation unless otherwise provided.
2. This Court has jurisdiction over the subject matter of the Litigation.
3. Pursuant to and in compliance with Rule 23 of the Federal Rules of Civil Procedure, this Court hereby finds and concludes that due and adequate notice was directed to the persons and entities who are Settlement Class Members, advising them of the Plan of Allocation and of their right to object thereto, and a full and fair opportunity was accorded to persons and entities who are Settlement Class Members to be heard with respect to the Plan of Allocation.
4. The Court hereby finds and concludes that the formula in the Plan of Allocation for the calculation of the claims of Authorized Claimants that is set forth in the Notice disseminated to Settlement Class Members, provides a fair and reasonable basis upon which to allocate the Net Settlement Fund among Settlement Class Members.
5. The Court hereby finds and concludes that the Plan of Allocation set forth in the

Notice is, in all respects, fair and reasonable and the Court hereby approves the Plan of Allocation.

IT IS SO ORDERED.

Dated: _____, 2019

HON. VERNON S. BRODERICK
UNITED STATES DISTRICT JUDGE